

1 Stacy Tolchin (CA SBN #217431)
2 *Email: Stacy@Tolchinimmigration.com*
3 Law Offices of Stacy Tolchin
4 776 E. Green St., Suite 210
5 Pasadena, CA 91101
6 Telephone: (213) 622-7450
7 Facsimile: (213) 622-7233

8 Khaled Alrabe (CA SBN #349899)
9 *Email: khaled@nipnlg.org*
10 National Immigration Project of the
11 National Lawyers Guild (NIPNLG)
12 1763 Columbia Road NW, Suite 175 #896645,
13 Washington, DC 20009
14 Telephone: (617) 227-9727 x3
15 Facsimile: (617) 227-5495

16 Counsel for Plaintiff
17 (*continued on next page*)

18 **UNITED STATES DISTRICT COURT FOR THE**
19 **CENTRAL DISTRICT OF CALIFORNIA**

20 STUDENT DOE #2,

21 Plaintiff,

22 v.

23 KRISTI NOEM, in her official
24 capacity as Secretary of Homeland
25 Security; the DEPARTMENT OF
26 HOMELAND SECURITY; and
27 TODD LYONS, in his official capacity
28 as Acting Director of U.S. Immigration
and Customs Enforcement,

Defendants.

Case No. 2:25-cv-02993-SPG-SSC

**PLAINTIFF'S EX PARTE
APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND ORDER TO
SHOW CAUSE RE:
PRELIMINARY INJUNCTION;
MEMORANDUM OF POINTS
AND AUTHORITIES IN
SUPPORT**

Hon. Sherilyn Peace Garnett

1 Anne Lai (CA SBN #295394)

2 *Email: alai@law.uci.edu*

3 UC Irvine School of Law –

4 Immigrant Rights Clinic

5 401 E. Peltason Dr.

6 Irvine, CA 92697-8000

7 Telephone: (949) 824-9894

8 Facsimile: (949) 824-2747

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Counsel for Plaintiff

1 For the reasons explained in the accompanying Memorandum of Points and
2 Authorities, Plaintiff hereby makes this Ex Parte Application for a Temporary
3 Restraining Order and Order to Show Cause Re: Preliminary Injunction pursuant to
4 Federal Rule of Civil Procedure 65 and 5 U.S.C. § 705. Plaintiff is an international
5 graduate student whose Student and Exchange Visitor Information Systems
6 (SEVIS) record was abruptly and unlawfully terminated by Defendants. Plaintiff
7 seeks an order: (1) temporarily enjoining Defendants' termination of Plaintiff's
8 SEVIS record and any legal effect of Defendants' termination; (2) prohibiting
9 Defendants from directly or indirectly, by any means whatsoever, implementing,
10 enforcing, or otherwise taking action as a result of their decision to terminate
11 Plaintiff's SEVIS record; (3) permitting Plaintiff to be identified in this action by
12 the pseudonym "Student Doe #2" and requiring materials filed with the Court that
13 contain Plaintiff's name or any identifying information to be redacted and/or filed
14 under seal; (4) prohibiting Defendants' from disclosing information disclosed by
15 Plaintiff about their name and identity except as reasonably necessary for the
16 litigation or from using such information for any purpose outside of this litigation;
17 and (5) enjoining Defendants from arresting and detaining Plaintiff or transferring
18 Plaintiff away from the jurisdiction of this District.

19 As a result of Defendants' actions, Plaintiff is facing immediate harm to their
20 education, career prospects, financial stability and mental health, along with the
21 very real threat of coerced departure. Expedited relief is necessary to prevent
22 irreparable injury before a hearing on a preliminary injunction may be held.

23 Plaintiff requests that the Court issue a temporary restraining order and order
24 to show case re: preliminary injunction in the form of the proposed order submitted
25 concurrently with this Application. This Application is based on the Complaint,
26 Memorandum of Points and Authorities, and the declaration and exhibits in support
27 thereof.
28

1 This Ex Parte application complies with Local Rule 7-19's requirements.
2 Defendants were advised on April 16, 2025 and April 17, 2025 that Plaintiff would
3 be filing this ex parte application and of the contents of this application. Tolchin
4 Decl. ¶ 3. *See* Local Rule 17-19.1. Attorneys Alec Farrell and Paul Green, counsel
5 for Defendants, confirmed that the motion would be opposed. *Id.* The parties agreed
6 that Defendants would have 48 hours to file a response. On April 20, 2025,
7 Plaintiff's counsel followed up with an e-mail informing Defendants that Plaintiff
8 would be filing their application late in the evening on April 21, 2025, and
9 therefore would agree that Defendants file any response by noon on April 24, 2025.
10 Plaintiff's counsel indicated Plaintiff would file a reply the following day, April 25,
11 2025.

12 Counsel for Defendants are as follows:

13
14 Alec L. Farrell
15 Assistant United States Attorney
16 United States Attorney's Office, Central District of California
17 300 North Los Angeles Street, Suite 7516
18 Los Angeles, CA 90012
19 Tel: (213) 894-5557
20 Fax: (213) 894-7819
21 Email: alexander.farrell@usdoj.gov

22 Paul Green
23 Assistant United States Attorney
24 Complex and Defensive Litigation Section
25 United States Attorney's Office
26 300 N. Los Angeles St., Ste. 7516, Los Angeles, CA 90012
27 Office: 213-894-0805
28 Cell: 213-247-4334
Email: Paul.Green@usdoj.gov

26 Dated : April 21, 2025

/s/ Stacy Tolchin

Stacy Tolchin

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1 **I. INTRODUCTION**

2 Each year, more than a million students from across the world study at U.S.
3 colleges and universities. They come from diverse corners of the world, often at
4 great personal sacrifice on the part of family members and loved ones, enriching
5 classrooms across the country and contributing to fields ranging from the social
6 sciences and the humanities to STEM. Plaintiff is one of the many students who
7 have been studying in the United States, making steady academic progress.
8 However, several weeks ago, Plaintiff's world came to a halt. Defendants illegally
9 terminated Plaintiff's Student and Exchange Visitor Information Systems (SEVIS)
10 record, effectively ending their student status in the United States, as part of
11 broader plan to convince thousands of international students who did nothing to
12 violate the terms of their status to prematurely abandon their studies or post-
13 graduate training and "self-deport."

14 Defendants' brazen attack on international students started with highly
15 publicized arrests of students who engaged in political protest or expressed views
16 that the administration dislikes. However, Defendants' actions did not stop there. In
17 recent weeks, Defendants have abruptly terminated the SEVIS records of over four
18 thousand students,¹ many of which had not participated in any political activity to
19 speak of. Instead, those students, including Plaintiff, have had minor brushes with
20 law enforcement, prompting the administration to arbitrarily decide, contrary to
21 statutory and regulatory authority, that they should no longer be able to remain in
22 the United States.

23 Plaintiff's future now hangs in the balance due to Defendants' irresponsible
24 actions. Plaintiff faces irreparable harm in the form of damage to their academic

25 ¹ See Andrew Kreighbaum, *Lawsuits Over Foreign Students' Status Find Solid*
26 *Legal Footing*, BLOOMBERG LAW (April 15, 2025),
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1 plans, future career prospects, and financial stability. Defendants’ termination—and
2 the prospect of detention and coerced departure—has also negatively impacted
3 Plaintiff’s mental health. Intervention by the Court in the form is necessary to
4 preserve the status quo until Plaintiff can vindicate their rights.

5 Plaintiff meets all the requirements for a temporary restraining order under
6 Rule 65, or alternatively, a stay under the Administrative Procedure Act (APA) §
7 705. No authority supports Defendants’ unprecedented SEVIS terminations and at
8 least thirteen federal courts have already issued temporary restraining orders in
9 similar cases. Moreover, the balance of hardships tips sharply in Plaintiff’s favor,
10 and the public interest is not served by permitting federal agencies to act outside the
11 bounds of law and due process.

12 Additionally, Plaintiff requests that the Court permit them to proceed under a
13 pseudonym, impose restrictions on the use of Plaintiff’s identity or related personal
14 information for any purpose outside this litigation, and prohibit Defendants from
15 detaining Plaintiff or transferring Plaintiff outside the jurisdiction of this District.
16 To be clear, Plaintiff does not intend to withhold their identity from Defendants,
17 only the public. However, protective measures are necessary in light of a well-
18 documented and escalating pattern of retribution against those who challenge the
19 government to ensure that Plaintiff can prosecute this action—and other students
20 can likewise feel safe bringing similar actions—free from retaliation, harassment,
21 and blacklisting.

22 **II. BACKGROUND**

23 Plaintiff is an international graduate student approved to attend a doctoral
24 program at a university in Orange County. Declaration of XXX XXX (“Student
25 Doe #2 Decl.”), Ex. A to Tolchin Decl., ¶ 2.² As part of their program, they serve as
26

27 ² Plaintiff submits their declaration in redacted form, but can submit an unredacted
28 version under seal to the Court upon request.

1 a TA. *Id.*, ¶ 3. They have also been approved for one year of OPT. *Id.* Plaintiff
2 brought the instant lawsuit after receiving notification from their school on or about
3 March 25, 2025 that their SEVIS record had suddenly been terminated. *Id.*, ¶ 7. The
4 termination was not initiated by the school, but by ICE’s Student and Exchange
5 Visitor Program (SEVP). Plaintiff alleged that Defendants’ termination of their
6 SEVIS record was without statutory or regulatory authority, in violation of their
7 due process rights, and arbitrary and capricious, and thus subject to review under
8 the APA. Complaint, Dkt. 1, ¶¶ 39-42, 47-54. Plaintiff also brought a claim of
9 violation of due process under the Fifth Amendment to the U.S. Constitution. *Id.*,
10 ¶¶ 43-46.

11 Plaintiff was given no prior notice as to why their SEVIS record was
12 terminated and they were not provided an opportunity to respond. Student Doe #2
13 Decl., ¶ 7. This is consistent with a pattern of abrupt SEVIS terminations across the
14 country where student SEVIS records are terminated based on the following reason
15 “OTHER - Individual identified in criminal records check and/or has had their
16 VISA revoked.” *See* Tolchin Decl., ¶ 5 & Ex. B, Attachment 1. This “OTHER”
17 notation had never been used before in SEVP initiated terminations in SEVIS.
18 Notably, on or around April 8, 2024, DHS updated webpage discussing SEVIS
19 “Termination Reasons” to include, for the first time, a new “OTHER” category
20 under “SEVP-Only Termination Reasons” described as follows: “[a] SEVIS
21 adjudicator uses this termination reason when no other reasons apply.”³ There is no
22 basis in law for such a termination.

23
24 ³ Compare Dep’t of Homeland Sec., Study in the States, *Termination Reasons*,
25 <https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/termination-reasons> (last visited Apr. 18, 2025) with Dep’t of
26 Homeland Sec., Study in the States, *Termination Reasons*,
27 <https://web.archive.org/web/20250408211432/https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/termination-reasons>
28 (archived Apr. 8, 2025).

1 Additionally, on March 27, 2025, Plaintiff also received an email from the
2 Department of State informing them that their visa had been revoked. Student Doe
3 #2 Decl., Attachment 1. The email threatened them with removal and stated that
4 “deportation can take place at a time that does not allow the person being deported
5 to secure possessions or conclude affairs in the United States [and that] [p]ersons
6 being deported may be sent to countries other than their countries of origin.” *Id.*
7 The email also provided information on how Plaintiff could self-deport. *Id.*
8 Notably, communications from consular offices informing students of visa
9 revocations in the past did not falsely insinuate that a visa revocation effectuated a
10 loss of status or ability to remain in the United States. *See* Tolchin Decl., ¶ 6 & Ex.
11 C, Attachment 1.

12 Since Plaintiff received notification of the termination of their SEVIS record,
13 they have been experiencing high levels of stress and anxiety. Student Doe #2
14 Decl., ¶ 13. Without an active SEVIS record, Plaintiff had to stop working. *Id.*
15 Plaintiff feels that the government is attempting to coerce Plaintiff to abandon their
16 studies and leave the country even though Plaintiff has been engaged in a full
17 course of study and not done anything to violate their status. *Id.*, ¶¶ 3, 8-9.

18 The government has not placed Plaintiff in proceedings nor as of yet
19 attempted to detain Plaintiff. *Id.*, ¶ 10. However, Plaintiff has been following the
20 news and is terrified of being detained by Defendants in retaliation for having filed
21 this lawsuit. *Id.* Plaintiff is also fearful of harassment and blacklisting by third
22 parties. *Id.*, ¶¶ 10-12.

23 Plaintiff’s only criminal history is a misdemeanor DUI. *Id.*, ¶ 4. This offense
24 is not a deportable offense and was fully disclosed to the Department of State
25 during Plaintiff’s most recent visa renewal. *Id.*, ¶ 5. As a result, the embassy
26 required medical clearance by a panel physician before issuing a new visa, which
27
28

1 Plaintiff obtained. *Id.* Plaintiff also has a single speeding ticket. *Id.* They have not
2 engaged in any significant political activity. *Id.*, ¶ 6.⁴

3 **III. STANDARD OF REVIEW**

4 A Temporary Restraining Order (“TRO”) may be issued upon a showing
5 “that immediate and irreparable injury, loss, or damage will result to the movant
6 before the adverse party can be heard in opposition.” Fed. R. Civ. P. 65(b)(1)(A). A
7 trial court may grant a TRO or a preliminary injunction to “preserve the status quo
8 and the rights of the parties” until a decision can be made in the case. *U.S. Philips*
9 *Corp. v. KBC Bank N.V.*, 590 F.3d 1091, 1094 (9th Cir. 2010). The status quo in
10 this context “refers not simply to any situation before the filing of a lawsuit, but
11 instead to ‘the last uncontested status which preceded the pending controversy[.]’ ”
12 *GoTo.com, Inc. v. Walt Disney Co.*, 202 F.3d 1199, 1210 (9th Cir. 2000) (quoting
13 *Tanner Motor Livery, Ltd. v. Avis, Inc.*, 316 F.2d 804, 809 (9th Cir. 1963). The
14 analysis for a TRO and a preliminary injunction is the same. *Frontline Med. Assoc.,*
15 *Inc. v. Coventry Healthcare Workers Compensation, Inc.*, 620 F. Supp. 2d 1109,
16 1110 (C.D. Cal. 2009).

17 To obtain a preliminary injunction, a plaintiff “must establish [1] that he is
18 likely to succeed on the merits, [2] that he is likely to suffer irreparable harm in the
19 absence of preliminary relief, [3] that the balance of equities tips in their favor, and
20 [4] that an injunction is in the public interest.” *City & County of San Francisco v.*
21 *USCIS*, 944 F.3d 773, 788-89 (9th Cir. 2019)(quoting *Winter v. Nat. Res. Def.*
22 *Council, Inc.*, 555 U.S. 7, 20 (2008). “Likelihood of success on the merits is the
23

24 ⁴ Even if Plaintiff had engaged in political activity, that would not make
25 Defendants’ conduct acceptable. See *Keyishian v. Bd. of Regents of Univ. of State*
26 *of N. Y.*, 385 U.S. 589, 603 (1967) (“Our Nation is deeply committed to
27 safeguarding academic freedom, which is of transcendent value to all of us and not
28 merely to the teachers concerned...[t]he vigilant protection of constitutional
freedoms is nowhere more vital than in the community of American schools.”)

1 most important factor.” *California v. Azar*, 911 F.3d 558, 575 (9th Cir. 2018)
2 (quotations omitted). If the first two factors are met, the third and fourth factors
3 merge when the Government is the opposing party. *Nken v. Holder*, 556 U.S. 418,
4 435 (2009).

5 Additionally, in the Ninth Circuit, courts also “employ an alternative ‘serious
6 questions’ standard, also known as the ‘sliding scale’ variant of the *Winter*
7 standard.” *Fraihat v. U.S. Immigr. & Customs Enft*, 16 F.4th 613, 635 (9th Cir.
8 2021) (quotations and citations omitted and alterations accepted). “Under that
9 formulation, ‘serious questions going to the merits’ and a balance of hardships that
10 tips sharply towards the plaintiff[s] can support issuance of a preliminary
11 injunction, so long as the plaintiff[s] also show[] that there is a likelihood of
12 irreparable injury and that the injunction is in the public interest.” *Id.* (quoting *All.*
13 *for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134 (9th Cir. 2011)).

14 In addition, the APA provides that “to the extent necessary to prevent
15 irreparable injury,” the Court may issue “all necessary and appropriate process . . .
16 to preserve status or rights pending” these proceedings. 5 U.S.C. § 705. The
17 standard used by courts for a request to stay agency action “is the same legal
18 standard as that used in a motion for preliminary injunction.” *Hill Dermaceuticals,*
19 *Inc. v. U.S. Food & Drug Admin.*, 524 F. Supp. 2d 5, 8 (D.D.C. 2007); *Nken*, 556
20 U.S. at 428 (describing a stay as “halting or postponing” operation of an action or
21 “temporarily divesting an order of enforceability”).

22 Plaintiff meets all the requirements for relief.

23 **IV. ARGUMENT**

24 **A. Plaintiff is Likely to Succeed on the Merits Because the Termination** 25 **of their SEVIS Record is Blatantly Unlawful**

26 Plaintiff meets both the *Winter* and *Cottrell* standards because ICE’s
27 termination of their SEVIS record was not in accordance with law, violated the
28

1 requirements of procedural due process, and was arbitrary and capricious. Not only
2 are there serious questions going to the merits, but it's clear that Plaintiff is likely to
3 succeed. In fact, at least thirteen district courts across the country have already
4 granted Temporary Restraining Orders finding a likelihood of success on the merits
5 in substantially identical challenges to SEVIS terminations. *See, e.g., Liu v. Noem*,
6 No. 25-cv-133-SE (D.N.H. Apr. 10, 2025); *Wu v. Lyons*, No. 25-cv-01979-NCM
7 (E.D.N.Y. Apr. 11, 2025); *Arizona Student Doe #2 v. Trump*, No. 25-cv-00175-
8 TUC-AMM (D. Ariz. Apr. 15, 2025); *Doe v. Noem*, No. 2:25-cv-633 (W.D. Wash.
9 Apr. 17, 2025).⁵

10 ***1. The SEVIS Termination Violates the Administrative Procedure Act***
11 ***as it was Not in Accordance with Law and Arbitrary and Capricious***
12 ***(Count 1 and Count 4)***

13 The termination of Plaintiff's SEVIS record effectively ended Plaintiff's
14 international student status in the United States. It was done without basis in law
15 and arbitrary and capricious.

16 An F-1 student visa allows an international student to enter the United States.
17 This visa controls a student's admission into the country, not their continued stay.
18 Once admitted in F-1 status, a student is granted permission to remain in the United
19 States for the duration of status (D/S), provided they continue to meet the
20 requirements established by 8 C.F.R. § 214.2(f), such as maintaining a full course
21 of study. The regulations implementing 8 U.S.C. § 1101(a)(15)(F)(i) (defining
22 student visas) define D/S "as the time during which an F-1 student is pursuing a full
23 course of study at an educational institution certified by SEVP for attendance by
24 foreign students." 8 C.F.R. § 214.2(f)(5)(i).

25 An international student who has completed study may be eligible for
26 Optional Practical Training ("OPT") or Curricular Practical Training ("CPT"),
27 which allows a student to engage in employment during and/or after completing a

28 ⁵ All thirteen orders are included at Tolchin Decl., ¶ 7 & Ex. D.

1 course of study at a U.S. educational institution. *See* 8 C.F.R. § 214.2(f)(10)(ii).
2 Students may also be employed by their education institutions directly, for example
3 as teaching assistants. SEVIS enrollment and a valid I-20, “Certificate of Eligibility
4 for Nonimmigrant Student Status,” which is issued by an SEVP-certified school
5 through SEVIS, are required in order for employment to be authorized. 8 C.F.R. §§
6 214.2(f)(1)(iii), (f)(10)(i), (11)(i)-(ii). An I-20 is also necessary for school transfer.
7 8 C.F.R. § 214.2(f)(8)(ii).

8 The SEVIS record is not merely a passive tracking tool; rather, it is the
9 operational mechanism through which student status is actively managed and
10 validated. A student with a terminated SEVIS record has no valid Form I-20.
11 Termination renders them ineligible to work, ineligible to request a reduced
12 courseload, and ineligible to transfer schools or change status.⁶ DHS’s practice and
13 regulations have consistently affirmed that a terminated SEVIS record equates to
14 terminated student status. For example, DHS commonly points to the termination
15 of SEVIS status in Immigration Court as evidence that a student is in violation of
16 their student status and is therefore removable. *See, e.g., In Re: Myoung Sook Park*,
17 AXXX XX2 580, 2017 WL 1330106 (BIA Mar. 8, 2017); *In Re: Enrique Ganesh*
18 *Doreste Kathiravetpillai*, 2010 WL 2390757 (BIA May 27, 2010). Additionally,
19 when a student seeks reinstatement of student status after falling out, USCIS “will
20 update SEVIS to reflect USCIS’s decision.” 8 C.F.R. § 214.2(f)(16)(ii).

21 A student “fails to maintain status” if they are no longer in compliance with
22 the requirements of 8 C.F.R. § 214.2(f) such as when they are no longer “making
23 normal progress toward completing a course of study.” 8 C.F.R. § 214.2(f)(5)(i).

24 _____
25 ⁶ DHS may even take the position that SEVIS termination starts the accrual of
26 unlawful presence. U.S. Citizenship & Immigr. Servs., Unlawful Presence and
27 Inadmissibility, [https://www.uscis.gov/laws-and-policy/other-resources/unlawful-](https://www.uscis.gov/laws-and-policy/other-resources/unlawful-presence-and-inadmissibility)
28 [presence-and-inadmissibility](https://www.uscis.gov/laws-and-policy/other-resources/unlawful-presence-and-inadmissibility) (last visited Apr. 18, 2025). *But see Guilford College,*
et al. v. McAleenan, et al., No. 1:18-cv-00891 (M.D.N.C. Oct. 23, 2018)

1 *See also* 214.2(f)(6)(iii). Additionally, any noncitizen admitted under a
2 nonimmigrant visa category, including students, also falls out of status if they
3 engage in unauthorized employment, provide false information to DHS, or are
4 convicted of a crime of violence with a potential sentence of more than a year. *See*
5 8 C.F.R. §§ 214.1(e)–(g). A student’s status can only end in two circumstances: if
6 they “fail to maintain status” as specified in the regulations, 8 C.F.R. §§ 214.2(f),
7 214.1(e)–(g), or (2) DHS terminates their status under the conditions described in 8
8 C.F.R. § 214.1(d). None of these circumstances apply to Plaintiff.

9 At the time of their SEVIS termination, Plaintiff was a full-time student
10 making normal progress towards their degree. Student Doe #2 Decl., ¶ 3. Plaintiff
11 has not been convicted of any crime of violence, let alone one with a potential
12 sentence of more than a year. *Id.*, ¶¶ 4-5.

13 DHS also has no authority to terminate Plaintiff’s status. DHS may only
14 unilaterally terminate nonimmigrant status in three narrow circumstances: (1)
15 where a previously granted waiver under 8 U.S.C. § 1182(d)(3) or (4) is revoked;
16 (2) if a private bill to confer lawful permanent residence is introduced in Congress;
17 or (3) if DHS publishes a notification in the Federal Register identifying national
18 security, diplomatic, or public safety reasons for termination. 8 C.F.R. § 214.1(d).
19 No other circumstances allow termination. *See Jie Fang v. Dir. United States*
20 *Immigr. & Customs Enf’t*, 935 F.3d 172, 185 n. 100 (3d Cir. 2019). This is true
21 even with respect to visa revocations. *See Tolchin Decl.*, Ex. E, U.S. Dep’t of
22 Homeland Sec., U.S. Immigr. & Customs Enf’t, Student & Exch. Visitor Program,
23 *Policy Guidance 1004-04: Visa Revocations* (June 7, 2010) (“Visa revocation is
24 not, in itself, a cause for termination of the student’s SEVIS record.”); Ex. F, U.S.
25 *Dep’t of State*, Guidance Directive 2016-03, 9 FAM 403.11-3 – VISA
26 REVOCATION (Sept. 2, 2016) (student with revoked visa can continue to pursue
27 their course of study, but upon departure, SEVIS record is terminated and the
28

1 student must obtain a new visa from a consulate or embassy abroad before
2 returning to the U.S.).

3 Accordingly, Defendants had no authority to terminate Plaintiff's SEVIS
4 record. Defendants' termination is not in accordance with law under the APA. *See*
5 *Nat'l Ass'n of Home Builders v. Norton*, 340 F.3d 835, 852 (9th Cir. 2003); *Wallace*
6 *v. Christensen*, 802 F.2d 1539, 1552 n. 8 (9th Cir. 1986) (holding that an agency "is
7 bound by its own regulations so long as they remain in force.") Additionally,
8 Defendants' termination was arbitrary and capricious because Defendants failed to
9 "articulate a satisfactory explanation for its action including a 'rational connection
10 between the facts found and the choice made.'" *Motor Vehicle Mfrs. Ass'n of U.S.,*
11 *Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 42 (1983), quoting *Burlington*
12 *Truck Lines v. United States*, 371 U.S. 156, 168 (1962). Plaintiff may challenge
13 Defendant's SEVIS termination because it constitutes final agency action for
14 purposes of the APA. *Jie Fang*, 935 F.3d at 182. (finding that a SEVIS termination
15 "marked the consummation of the agency's decisionmaking process, and is
16 therefore a final order").

17 Multiple district courts have already reached the same conclusion in the TRO
18 context. *See, e.g., Arizona Student Doe #2 v. Trump*, No. CV-25-00175-TUC-
19 AMM (D. Ariz. Apr. 15, 2025) ("the Government has unlawfully terminated
20 Plaintiff's [SEVIS] record and revoked Plaintiff's F-1 visa in order to arrest, detain,
21 or transfer Plaintiff far from Plaintiff's home, school, employer, and community
22 without any hearing"); *Doe v. Noem*, No. 2:25-cv-633 (W.D. Wash. Apr. 17, 2025)
23 (holding that the "[t]ermination of the SEVIS record because of the DUI arrest is
24 inconsistent with agency regulations, which renders the decision invalid" and that
25 such terminations are arbitrary and capricious). The Court should find that Plaintiff
26 has a likelihood of success on Counts 1 and 4 of Plaintiff's Complaint.

27 **2. The SEVIS Termination Violates the Fifth Amendment's Due**
28 **Process Clause (Count 2 and Count 3)**

1 The Due Process Clause of the Fifth Amendment requires that no person
2 shall “be deprived of life, liberty, or property, without due process of law.” U.S.
3 Const. amend. V. “A threshold requirement to a substantive or procedural due
4 process claim is the plaintiff’s showing of a liberty or property interest protected by
5 the Constitution.” *Ching v. Mayorkas*, 725 F.3d 1149, 1155 (9th Cir. 2013)
6 (quotations and citations omitted).

7 Plaintiff has a constitutionally protected property interest continued SEVIS
8 registration. A benefit is a constitutionally protected property interest if it is
9 mandatory in nature. *See Town of Castle Rock v. Gonzales*, 545 U.S. 748, 756
10 (2005) (“Our cases recognize that a benefit is not a protected entitlement if
11 government officials may grant or deny it in their discretion”); *Wedges/Ledges of*
12 *California, Inc. v. City of Phoenix, Ariz.*, 24 F.3d 56, 62 (9th Cir. 1994) (“A
13 protected property interest is present where an individual has a reasonable
14 expectation of entitlement...[and] [a] reasonable expectation of entitlement is
15 determined largely by the language of the statute and the extent to which the
16 entitlement is couched in mandatory terms.”). Once a student is lawfully admitted
17 to the United States in F-1 status and complies with the regulatory requirements of
18 that status, the continued recognition of that status is governed by specific and
19 mandatory rules. DHS has no discretion to terminate a student’s SEVIS record or
20 otherwise effectuate an end to a student’s status, directly or indirectly, outside of
21 those rules. Courts in this Circuit regularly acknowledge such protected property
22 interests in the context of immigration benefits. *See Ching*, 725 F.3d at 1154-55
23 (9th Cir. 2013)(recognizing a protected property interest in an I-130 visa petition);
24 *ASSE Int’l, Inc. v. Kerry*, 803 F.3d 1059 (9th Cir. 2015) (recognizing protected
25 property interest in participating in exchange visitor program); *Brown v. Holder*,
26 763 F.3d 1141, 1148 (9th Cir. 2014) (recognizing protected property interest in
27 application for naturalization).
28

1 Despite this protected interest, Plaintiff received no prior notice from
2 Defendants and no opportunity to review the alleged grounds for termination. *See*
3 *ASSE Int'l, Inc.*, 803 F.3d, at 1076 (“The fundamental requisite of due process of
4 law is the opportunity to be heard[] ... at a meaningful time and in a meaningful
5 manner.”) (quotations and citations omitted and alterations accepted). The lack of
6 any procedural safeguards violates the Due Process Clause of the Fifth Amendment
7 and is independently actionable under both constitutional and APA grounds. *See*
8 *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976); 5 U.S.C. § 706(2)(B).

9 **B. Plaintiff Will Suffer Irreparable Harm and the Equities Tip in**
10 **Plaintiff’s Favor**

11 The termination of Plaintiff’s SEVIS record has left them in legal, academic,
12 and financial limbo. As an initial matter, “it is well established that the deprivation
13 of constitutional rights ‘unquestionably constitutes irreparable injury.’” *Rodriguez*
14 *v. Robbins*, 715 F.3d 1127, 1144 (9th Cir. 2013) (quoting *Melendres v. Arpaio*, 695
15 F.3d 990, 1002 (9th Cir. 2012)).

16 Moreover, beyond the constitutional harm, the unlawful termination of
17 Plaintiff’s SEVIS record has threatened their ability to remain in the United States
18 as a doctoral student and barred them from valuable TA work. *See Maria v. Loyola*
19 *Univ. of Chicago Stritch Sch. of Med.*, No. 24 C 1698, 2025 WL 96482, at *8 (N.D.
20 Ill. Jan. 14, 2025) (accepting that loss of opportunity to participate in psychiatry
21 residency is an irreparable harm, though denying injunction on other grounds);
22 *Lujan v. United States Dep’t of Educ.*, 664 F. Supp. 3d 701, 721 (W.D. Tex. 2023)
23 (finding that erroneous loss of even one point on Fulbright scholarship application
24 grading would be an irreparable harm, due to loss of opportunity to obtain
25 scholarship).

26 Because SEVIS status is required to maintain employment authorization,
27 Plaintiff has entirely lost the ability to earn income. Student Doe #2 Decl. Ex. A,
28 ¶13. This has imposed severe financial and emotional hardship. *Id.* Without such

1 income, Plaintiff's living conditions have become precarious. *Id.* The emotional toll
2 on Plaintiff has been profound. *Id.* The uncertainty surrounding their immigration
3 status and future have caused serious mental, emotional, and physical distress. *Id.*

4 Plaintiff's fear of arrest and detention is not speculative. For students with a
5 terminated SEVIS record, the threat of arrest and detention is real. Indeed,
6 Defendants' intent was for students to fear such a possibility. *See supra* at 4
7 (describing consular email). On its website, DHS states that when a SEVIS record
8 is terminated, "Immigration and Customs Enforcement (ICE) agents may
9 investigate to confirm the departure of the student."⁷ Moreover, numerous
10 international students have already been detained. *See infra* at 16-18. Plaintiff's
11 counsel recently learned that at least four international students in Minnesota with
12 no apparent connection to protest activity were detained and placed in removal
13 proceedings after their SEVIS records were terminated. Tolchin Decl., ¶ 10 & Ex.
14 G (Chan Decl.). And a student in Arizona with a SEVIS record termination is also
15 currently detained and in removal proceedings. *Id.*, ¶ 11 & Ex. H (Green Decl).
16 Plaintiff now faces the same looming risk.

17 On balance, the equities tip sharply in Plaintiff's favor. While the harms to
18 Plaintiff's academic progress, career, and reputation are immense, the government
19 suffers no hardship from being temporarily restrained from enforcing an *unlawful*
20 SEVIS termination. *See Valle del Sol Inc. v. Whiting*, 732 F.3d 1006, 1029 (9th Cir.
21 2013) ("[I]t is clear that it would not be equitable or in the public's interest to allow
22 the state . . . to violate the requirements of federal law, especially when there are no
23 adequate remedies available.")

24
25
26 ⁷ DHS, Terminate a Student (last updated Nov. 7, 2024),
27 [https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-](https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/terminate-a-student)
28 [terminations/terminate-a-student](https://studyinthestates.dhs.gov/sevis-help-hub/student-records/completions-and-terminations/terminate-a-student).

1 In sum, because Plaintiff has met all four prongs of the *Winter* test, and
2 independently satisfies the Cottrell “serious questions” alternative, the Court should
3 grant the requested temporary protective order.

4 **C. No Bond Is Necessary**

5 The Court has discretion to set the amount of security required for a
6 temporary restraining order or preliminary injunction under Rule 65(c), if
7 any. *Johnson v. Couturier*, 572 F.3d 1067, 1086 (9th Cir. 2009) Indeed, “[t]he
8 district court may dispense with the filing of a bond when it concludes there is no
9 realistic likelihood of harm to the defendant from enjoining his or her
10 conduct.” *Id.* (quoting *Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 2003)).
11 Here, it is unlikely any harm will come to Defendants as a result of a grant of
12 temporary relief and Defendants will incur negligible or zero financial costs.
13 Plaintiff therefore asks the Court to exercise its discretion to waive the bond
14 requirement.

15 **D. The Court Should Permit Plaintiff to Proceed Under Pseudonym in**
16 **this Action and Enter Additional Protective Measures**

17 Although Rule 10(a) of the Federal Rules of Civil Procedure generally
18 requires that a complaint include the name of all parties, it is well-established that
19 federal courts have discretion to permit parties to proceed under pseudonyms
20 “when special circumstances justify secrecy.” *Does I thru XXIII v. Advanced*
21 *Textile Corp.*, 214 F.3d 1058, 1067 (9th Cir. 2000) (collecting cases). Parties to
22 litigation may proceed using a pseudonym with leave of the court. *See, e.g., U.S. v.*
23 *Doe*, 655 F.2d 920, 922 n.1 (9th Cir. 1981)(“Where it is necessary . . . to protect a
24 person from harassment, injury, ridicule or personal embarrassment, courts have
25 permitted the use of pseudonyms.”); *Balance Studio, Inc. v. Cybernet Entm’t, LLC*,
26 204 F. Supp. 3d 1098, 1100–01 (N.D. Cal. 2016); *Doe v. Penzato*, No. CV10-5154
27 MEJ, 2011 WL 1833007, at *3 (N.D. Cal. May 13, 2011); *Santa Fe Indep. Sch.*
28

1 *Dist. v. Doe*, 530 U.S. 290, 294 n.1 (2000) (noting that the district court permitted
2 plaintiffs “to litigate anonymously to protect them from intimidation or
3 harassment”).

4 In this Circuit, courts analyze a request to proceed under a pseudonym or
5 anonymously by analyzing whether “the party’s need for anonymity outweighs
6 prejudice to the opposing party and the public’s interest in knowing the party’s
7 identity.” *Advanced Textile*, 214 F.3d at 1068. Relevant factors include “(1) the
8 severity of the threatened harm . . . (2) the reasonableness of the anonymous party’s
9 fears . . . and (3) the anonymous party’s vulnerability to such retaliation.” *Id.*
10 *Advanced Textile* also recognizes that where anonymity is warranted, a court may
11 also issue protective orders to govern the terms of disclosure and use of information
12 about a party’s identity pursuant to its inherent powers to manage court proceedings
13 and Federal Rule of Civil Procedure 26(c). 214 F.3d at 1069.

14 ***1. Protective Measures Are Needed to Preserve Plaintiff’s Right of***
15 ***Access to the Court***

16 One of the hallmarks of this administration has been a willingness to exact
17 revenge on the government’s foes and perceived foes.⁸ Whether it is former
18 government officials, law firms, educational institutions, or others, the
19 administration has not hesitated to use its vast power to compel allegiance or make
20 life difficult for those who are seen as disloyal.

21 With respect to noncitizen students, the hammer has come down particularly
22 hard. For example, on March 5, 2025, the government informed a graduate student
23 and Fulbright recipient at Columbia University who had participated in protests last
24

25 ⁸ See Michael S. Schmidt, *In Trump’s Second Term, Retribution Comes in Many*
26 *Forms*, N.Y. TIMES (Apr. 7, 2025),
27 [https://www.nytimes.com/2025/04/07/us/politics/trump-biden-law-firms-](https://www.nytimes.com/2025/04/07/us/politics/trump-biden-law-firms-revenge.html)
28 [revenge.html](https://www.nytimes.com/2025/04/07/us/politics/trump-biden-law-firms-revenge.html).

1 year, Ranjani Srinivasan, that her student visa had been revoked.⁹ They began
2 searching for her, eventually raiding her apartment. Fearing for her safety, she left
3 the United States. Secretary of Homeland Security Kristi Noem then posted on X,
4 “I’m glad to see one of the Columbia University terrorist sympathizers use the CBP
5 Home app to self deport.”¹⁰ On March 21, 2025, Momodou Taal, a student at
6 Cornell University who had filed a lawsuit challenging the administration’s
7 crackdown, was asked to surrender to immigration authorities.¹¹ He eventually self-
8 deported. On March 25, 2025, six plainclothes federal officers ambushed Rümeyssa
9 Öztürk, a graduate student at Tufts University, outside her home, apparently for co-
10 authoring an op-ed.¹² At the time, she was not aware that her visa had been
11 revoked. Additional arrests in recent weeks have taken place in New York,
12 Washington D.C., Alabama, and other states.¹³ Secretary of State Marco Rubio

13 ⁹ Luis Ferre-Sadurni & Hamed Aleaziz, *How a Columbia Student Fled to Canada*
14 *After ICE Came Looking for Her*, N.Y. TIMES (Mar. 15, 2025),
15 [https://www.nytimes.com/2025/03/15/nyregion/columbia-student-kristi-noem-](https://www.nytimes.com/2025/03/15/nyregion/columbia-student-kristi-noem-video.html)
16 [video.html](https://www.nytimes.com/2025/03/15/nyregion/columbia-student-kristi-noem-video.html).

17 ¹⁰ Kristi Noem, X (Mar. 14, 2025, 11:01 a.m.),
18 https://x.com/Sec_Noem/status/1900562928849326488.

19 ¹¹ Benjamin Leynse and Avery Wang, *A Pro-Palestinian Activist Lost His Case, but*
20 *the “Fight From Below” Continues*, THE NATION (Apr. 7, 2025),
21 [https://www.thenation.com/article/activism/momodou-taal-palestine-cornell-](https://www.thenation.com/article/activism/momodou-taal-palestine-cornell-university-trump-lawsuit/)
22 [university-trump-lawsuit/](https://www.thenation.com/article/activism/momodou-taal-palestine-cornell-university-trump-lawsuit/).

23 ¹² Dalia Faheid & Gloria Pazmino, *A PhD Student Was Snatched by Masked*
24 *Officers in Broad Daylight*, CNN (Mar. 29, 2025),
25 [https://www.cnn.com/2025/03/29/us/rumeysa-ozturk-tufts-university-arrest-](https://www.cnn.com/2025/03/29/us/rumeysa-ozturk-tufts-university-arrest-saturday/index.html)
26 [saturday/index.html](https://www.cnn.com/2025/03/29/us/rumeysa-ozturk-tufts-university-arrest-saturday/index.html).

27 ¹³ Eliza Shapiro, *Immigration Authorities Arrest Pro-Palestinian Activist at*
28 *Columbia*, N.Y. TIMES (Mar. 9, 2025),
[https://www.nytimes.com/2025/03/09/nyregion/ice-arrests-palestinian-activist-](https://www.nytimes.com/2025/03/09/nyregion/ice-arrests-palestinian-activist-columbia-protests.html)
[columbia-protests.html](https://www.nytimes.com/2025/03/09/nyregion/ice-arrests-palestinian-activist-columbia-protests.html) (arrest of Mahmoud Khalil); Jaclyn Diaz, *What We Know*
About the Case of Detained Georgetown Professor Badar Khan Suri, NPR (Mar.

1 called the international students “lunatics.”¹⁴ A number of the students have been
2 quickly moved across state lines to detention facilities in Louisiana or Texas.¹⁵

3 The government’s targeting of students has expanded far beyond just those
4 who have been vocal about Palestine.¹⁶ The government’s actions by ICE have
5 been accompanied, or have sometimes been preceded, by harassment or doxxing of
6 students by right-wing groups.¹⁷

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8 21, 2025), [https://www.npr.org/2025/03/21/nx-s1-5336173/immigration-](https://www.npr.org/2025/03/21/nx-s1-5336173/immigration-georgetown-university-professor)
9 [georgetown-university-professor](https://www.npr.org/2025/03/21/nx-s1-5336173/immigration-georgetown-university-professor) (arrest of postdoctoral fellow Badar Khan Suri);
10 Eduardo Medina and Anemona Hartocollis, ICE Agents Detain University of
11 Alabama Doctoral Student, N.Y. TIMES (Mar. 26, 2025),
12 [https://www.nytimes.com/2025/03/26/us/ice-detains-doctoral-student-university-](https://www.nytimes.com/2025/03/26/us/ice-detains-doctoral-student-university-alabama.html)
13 [alabama.html](https://www.nytimes.com/2025/03/26/us/ice-detains-doctoral-student-university-alabama.html) (arrest of doctoral student at U of Alabama); *University of Minnesota*
14 *Student Who Was Detained by ICE Sues for Immediate Release*, ASSOC. PRESS
15 (Apr. 2, 2025), [https://www.cnn.com/2025/04/02/us/university-of-minnesota-](https://www.cnn.com/2025/04/02/us/university-of-minnesota-graduate-student-detained-ice-lawsuit/index.html)
16 [graduate-student-detained-ice-lawsuit/index.html](https://www.cnn.com/2025/04/02/us/university-of-minnesota-graduate-student-detained-ice-lawsuit/index.html) (arrest of Doğukan Günaydın);
17 Helen Rummel, *International ASU Student Detained After Visa Revoked*, ARIZ.
18 TIMES (Apr. 4, 2025), [https://www.azcentral.com/story/news/local/arizona-](https://www.azcentral.com/story/news/local/arizona-education/2025/04/04/arizona-state-university-student-detained-after-visa-revocation/82793138007/)
19 [education/2025/04/04/arizona-state-university-student-detained-after-visa-](https://www.azcentral.com/story/news/local/arizona-education/2025/04/04/arizona-state-university-student-detained-after-visa-revocation/82793138007/)
20 [revocation/82793138007/](https://www.azcentral.com/story/news/local/arizona-education/2025/04/04/arizona-state-university-student-detained-after-visa-revocation/82793138007/) (arrest of student at ASU).

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23 ¹⁴ Madeline Halpert, *Marco Rubio Says US Revoked At Least 300 Foreign*
24 *Students’ Visas*, BBC (Mar. 27, 2025),
25 <https://www.bbc.com/news/articles/c75720q9d7lo>.

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28 ¹⁵ Jaclyn Diaz & Adrian Florido, *Why Is Trump Sending Immigrant University*
Students to Louisiana and Texas?, NPR (Apr. 8, 2025),
[https://www.npr.org/2025/04/08/nx-s1-5351645/ice-detention-louisiana-university-](https://www.npr.org/2025/04/08/nx-s1-5351645/ice-detention-louisiana-university-scholars)
[scholars](https://www.npr.org/2025/04/08/nx-s1-5351645/ice-detention-louisiana-university-scholars).

¹⁶ Kate Selig and Halina Bennet, *The Trump Administration Revoked 800 Student*
Visas. Here Is What We Know, N.Y. TIMES (Apr. 11, 2025),
<https://www.nytimes.com/2025/03/27/us/students-trump-ice-detention.html>.

¹⁷ Stephanie Saul, *A Mysterious Group Says Its Mission Is to Expose Antisemitic*
Students, N.Y. TIMES (Apr. 1, 2025),
[https://www.nytimes.com/2025/04/01/us/israel-gaza-student-protests-canary-](https://www.nytimes.com/2025/04/01/us/israel-gaza-student-protests-canary-mission.html)
[mission.html](https://www.nytimes.com/2025/04/01/us/israel-gaza-student-protests-canary-mission.html); Tesfaye Negussie and Nadine El-Bawab, *Doxxing Campaign Against*

1 Plaintiff has an inalienable right to “petition the government for a redress of
2 grievances.” U.S. Const. amend. I. The Supreme Court has recognized this right “as
3 one of the most precious of the liberties safeguarded by the Bill of Rights[.]” *BE &*
4 *K Const. Co. v. N.L.R.B.*, 536 U.S. 516, 524-25 (2002) (internal citation omitted).
5 The Court has repeatedly held that the right of access to the courts can implicate
6 “the protections of the Petition Clause.” *Borough of Duryea, Pa. v. Guarnieri*, 564
7 U.S. 379, 387 (2011).

8 Here, protective measures are necessary to preserve the right of access to the
9 courts. *Cf. Advanced Textile*, 214 F.3d at 1073 (recognizing that fear of employer
10 reprisals “will frequently chill employees’ willingness to challenge employers’
11 violations of their rights”). *See also Borough of Duryea*, 564 U.S. at 387 (holding
12 that retaliation by government employee can violate the Petition clause); *see also*
13 *Nader v. Democratic Nat’l Comm.*, 567 F.3d 692, 696 (D.C. Cir. 2009) (“[W]hen a
14 person petitions the government for redress, the First Amendment prohibits any
15 sanction on that action . . . so long as the petition was in good faith.”); *Schroeder v.*
16 *McDonald*, 55 F.3d 454, 461 (9th Cir. 1995) (holding that the government cannot
17 transfer a prisoner from one correctional institution to another in order to punish the
18 prisoner for exercising his First Amendment right to pursue litigation). This
19 constitutes an independent basis (in addition to preserving the status quo) for the
20 Court to enter an order prohibiting detention.

21 ***2. Anonymity and a Protective Order/Order Not to Detain Are***
22 ***Reasonable Under the Circumstances, Will Not Prejudice***
23 ***Defendants, and in the Public Interest***

24 As noted above, due to the controversial political nature of student visa
25 revocations, Plaintiff fears possible harassment and blacklisting by third parties if

26 *Pro-Palestinian College Students Ramps Up*, ABC NEWS (Oct. 20, 2023),
27 [https://abcnews.go.com/International/doxxing-campaign-pro-palestinian-college-](https://abcnews.go.com/International/doxxing-campaign-pro-palestinian-college-students-ramps/story?id=104141630)
28 [students-ramps/story?id=104141630](https://abcnews.go.com/International/doxxing-campaign-pro-palestinian-college-students-ramps/story?id=104141630).

1 they were to be identified as a student whose SEVIS was terminated and sued the
2 government. Student Doe #2 Decl., ¶¶ 11-12. Such threatened harm would be
3 severe, and Plaintiff's fears are reasonable. This is enough to demonstrate a need
4 for anonymity. *See Advanced Textile*, 214 F.3d at 1068. Moreover, "where the
5 plaintiff attacks governmental activity," the case for proceeding anonymously is
6 particularly strong. *See, e.g., E.W. v. N.Y. Blood. Ctr.*, 213 F.R.D. 108, 111
7 (E.D.N.Y. 2003). This is because, in such circumstances, the plaintiff "presumably
8 represents a minority interest (and may be subject to stigmatization)[.]" *Id.* In
9 connection with permitting Plaintiff to proceed anonymously in the action, the
10 Court has the power to require that any Party filing materials containing
11 information about Plaintiff's identity redact or file such information under seal.
12 Fed. R. Civ. P. 5.2(e). Such an order would be common sense here.

13 Plaintiff recognizes the need to provide the government with information
14 about their identity to permit the government to litigate the case, however, due to
15 the very real risk of retaliation by the government, Plaintiff asks that the Court enter
16 an order governing the use of any information Plaintiff discloses and an order
17 enjoining Defendants from detaining Plaintiff while the lawsuit is pending. *See*
18 *Advanced Textile*, 214 F.3d at 1069 ("In cases where the plaintiffs have
19 demonstrated a need for anonymity, the district court should use its powers to
20 manage pretrial proceedings . . . and to issue protective orders limiting disclosure of
21 the party's name . . . to preserve the party's anonymity to the greatest extent possible
22 . . .").

23 Plaintiff's request that the Court enter a protective order limiting the sharing
24 by Defendants' counsel of any information about Plaintiff's identity or related
25 personal information and restricting its use for any purpose outside of this action is
26 reasonable. Indeed, ICE has previously agreed to such terms for material designated
27 by a party as confidential in stipulated protective orders filed in this District. *See,*
28 *e.g., Tolchin Decl.*, ¶¶ 12-13 & Exs. I-J. Courts have also imposed similar terms in

1 other cases. *See, e.g., ACLU of Nevada v. Masto*, No. 08-cv-00822-JCM-PAL,
2 2008 WL 3874263, at *6 (Aug. 18, 2008) (permitting Doe plaintiffs to proceed
3 under pseudonym, requiring counsel for plaintiffs to disclose the identities of
4 plaintiffs to defendants' counsel, and entering a temporary protective order
5 precluding defendants from disclosing the identities or using the information for
6 any purpose outside the litigation); *Enters. Int'l, Inc. v. Pasaban*, S.A., No. 3:11-
7 CV-05919-RBL, 2012 WL 5269375, at *2 (W.D. Wash. Oct. 24, 2012); *Alvarez v.*
8 *The Hyatt Regency Long Beach*, No. CV 09-04791-GAF VBKX, 2010 WL
9 9505289, at *3 (C.D. Cal. Sept. 21, 2010); *Range Rd. Music, Inc. v. E. Coast*
10 *Foods, Inc.*, No. CV092059CASAGR, 2009 WL 10698442 (C.D. Cal. Dec. 10,
11 2009), at *4.

12 Plaintiff's request for an order prohibiting detention and transfer of Plaintiff
13 outside of this District is likewise reasonable under the circumstances. *See Tolchin*
14 *Decl.*, ¶ 14 & Ex. K. Plaintiff has never experienced detention before and the
15 prospect of detention as a response to Plaintiff's participation in this suit is deeply
16 frightening. *Student Doe #2 Decl.*, ¶ 10. Detention following the filing of this suit
17 would not only chill Plaintiff's willingness to go forward (in addition to
18 dramatically impacting Plaintiff's practical ability to proceed in this case), but
19 undoubtedly dissuade numerous other international students from vindicating their
20 rights too.

21 Granting Plaintiff's requested measures will not prejudice Defendants. First,
22 the lawsuit challenges the legality of Defendants' new policy of SEVIS
23 terminations based on visa revocations and/or minor criminal history or police
24 contact with respect to a large (and growing) group of international students around
25 the country. There are only very specific grounds on which ICE can terminate a
26 SEVIS record. *Complaint*, Dkt. 1, ¶¶ 13-20. Apart from a discrete set of facts, few
27 if any that are likely to be disputed, the details of Plaintiff's specific situation are of
28 limited relevance. Plaintiff is not challenging the revocation of their visa. *Id.*, ¶ 6.

1 Further, the government has made no indication that it needs to take Plaintiff
2 into custody. Student Doe #2 Decl., ¶ 10. Plaintiff is a college student who poses no
3 flight risk or danger. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (finding
4 immigration detention must further twin goals of (1) ensuring noncitizen’s
5 appearance during removal proceedings and (2) preventing danger to the
6 community). Detention of Plaintiff would serve no legitimate purpose.

7 Finally, given the circumstances here, anonymity and protection from
8 retaliation *further*s rather than detracts from the public interest. While the public
9 has an interest in access to court proceedings, the individual identity of Plaintiff is
10 not necessary to facilitate the public’s understanding of judicial decision-making or
11 “public scrutiny of the important issues in this case.” *Advanced Textile*, 214 F.3d
12 1072. Moreover, the “public . . . has an interest in seeing this case decided on the
13 merits.” *Id.* at 1073; *see also N.Y. Blood. Ctr.*, 213 F.R.D. at 111 (where plaintiff
14 challenges a governmental policy or statute “there is arguably a public interest in a
15 vindication of his rights”). Advancing the public interest thus includes meaningful
16 protection from retaliation. *See Rivera v. NIBCO Corp.*, 364 F.3d 1057, 1064, 1066
17 (9th Cir. 2004) (granting protective order in recognition of the “harsh[] reality” that
18 defendants had incentive to subject plaintiffs to enforcement action notwithstanding
19 “promise[s] not to [retaliate]” and that unrestricted discovery would “unacceptably
20 burden[] the public interest”).

21 **IV. CONCLUSION**

22 For the reasons stated above, Plaintiff requests that the Court enter the
23 proposed form of order granting Plaintiff’s Application for a Temporary
24 Restraining Order.

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27 Dated: April 21, 2025

Respectfully Submitted,

/s/ Stacy Tolchin
Stacy Tolchin

Counsel for Plaintiff

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CERTIFICATE OF COMPLIANCE UNDER L.R. 11-6.2

The undersigned, counsel of record for Plaintiff, certifies that this brief contains 6,416 words, which:

 x complies with the word limit of L.R. 11-6.1.

 complies with the word limit set by court order dated [*date*].

Dated: April 21, 2025

/s/ Stacy Tolchin
Stacy Tolchin